

**EXHIBIT 1**

Kim vs. BMW

Deposition of Alison E. Parillo, V. 1

1 UNITED STATES DISTRICT COURT  
2 CENTRAL DISTRICT OF CALIFORNIA

3 - - -

4 SEUNGTAE KIM, an individual;

5 Plaintiff,

6 vs.

: Case No.  
: CV 14 - 1752 BRO SH

7  
8 BMW FINANCIAL SERVICES, NA,  
9 LLC., a business entity;  
10 EQUIFAX INFORMATION SERVICES  
11 LLC, a business entity;  
12 EXPERIAN INFORMATION  
13 SOLUTIONS, INC., a  
14 Corporation; TRANSUNION, LLC.,  
15 a business entity, and DOES  
16 1-10, Inclusive,

: VOLUME 1

17 Defendants.

18 - - -

19 DEPOSITION

20 of ALISON E. PARILLO, taken before me, Lauren N. Terrell, a  
21 Notary Public in and for the State of Ohio, at the offices  
22 of BMW Financial Services, 5550 Britton Parkway, Hilliard,  
23 Ohio 43026, on Thursday, February 26th, 2015, at 4:04 p.m.

24 - - -

**Kim vs. BMW****Deposition of Allison E. Parillo, V. 2**

1 Q. Right. So my question was if there was a previous  
2 address associated with this file, would you expect that to  
3 be indicated in the previous address section?  
4 MS. CALEY: Don't speculate but answer if  
5 you can.  
6 A. I don't -- I don't want to speculate.  
7 BY MS. TATER:  
8 Q. Have you ever seen the previous address section  
9 populated on an ACDV before?  
10 A. No.  
11 Q. Was it the policy for your Credit Reporting  
12 Specialists to populate as many fields as possible in that  
13 response data section?  
14 A. I wouldn't say it was written procedure, no.  
15 Q. But was it discussed?  
16 A. To have as many fields populated? No.  
17 Q. Okay. What is it that your Credit Reporting  
18 Specialists were told to do with respect to the response  
19 data section on these ACDVs?  
20 A. To verify name, address, social security number,  
21 and date of birth.  
22 Q. Okay. And so we see here on this ACDV that -- at  
23 the very least -- the first name was different, the middle  
24 initial was different, and the addresses were different.

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1 And the account was accurate as of date reported. That's  
2 what you told Experian. Correct?  
3 A. That the account was accurate, yes.  
4 Q. Despite the differences that you can see here on  
5 the ACDV, it was still verified?  
6 A. Yes.  
7 Q. Okay. What differences on this ACDV, in your  
8 experience, would have triggered a delete response code?  
9 A. Repeat the question.  
10 Q. What information on this ACDV would have triggered  
11 a delete code for this type of dispute, this identity theft  
12 dispute?  
13 A. None.  
14 Q. Why?  
15 A. Because a delete code means that BMW Financial  
16 agrees that this should not be a trade under the customer's  
17 name and that information comes from the fraud group.  
18 Q. Okay. So at the time of the first few disputes --  
19 let's start with the September 18th, 2013 response. Let me  
20 know when you have that.  
21 A. Okay.  
22 Q. The Fraud Unit hadn't -- did you say Fraud Unit?  
23 A. I mean, unit, department --  
24 Q. Okay.

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1 A. -- person.  
2 Q. I just wanted to make sure I was on the same page  
3 with you. The fraud department had not completed its  
4 identity theft investigation. Correct?  
5 A. As of what date?  
6 Q. September 18th, 2013.  
7 A. Correct, they had not completed it.  
8 Q. As of September 23rd, they had not completed their  
9 investigation. Correct?  
10 A. Correct.  
11 Q. As of September 24th, they had not completed their  
12 investigation. Correct?  
13 A. Correct.  
14 Q. And as of October 23rd, they had not completed  
15 their investigation. Correct?  
16 A. Correct.  
17 Q. Was it the policy of BMW at the time these  
18 disputes were coming in up until October 23, 2013 to simply  
19 verify the ACDVs or the accounts while an investigation into  
20 identity theft was going on?  
21 A. What do you mean by verify?  
22 Q. To use the Response Code 1.  
23 A. Correct.  
24 Q. Okay. Was there at any point in time before

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1 October 23rd between the first dispute on September 18th  
2 response -- let's go with the dispute dates. Was there any  
3 point in time between September 6th, 2013 and October 13th,  
4 2013 that the Credit Reporting Specialist in your department  
5 communicated with the fraud department regarding the claim  
6 of identity theft that Mr. Kim had submitted?  
7 A. I don't know.  
8 Q. Is there anything that would tell you whether or  
9 not there was any communication?  
10 A. No.  
11 Q. Is there any reason for you to believe that there  
12 was communication between your department and the fraud  
13 department?  
14 MS. CALEY: Objection. The same time  
15 period?  
16 MS. TATER: Yes, the same time period.  
17 A. Again, it depended upon the specialist.  
18 BY MS. TATER:  
19 Q. You were the manager of the department. Correct?  
20 A. Uh-huh.  
21 Q. And you understand that you've been identified as  
22 the person most knowledgeable regarding the credit disputes  
23 and the credit reporting in this case?  
24 A. Correct.

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1 A. I think they were all --  
 2 Q. Do you know what exhibit these were?  
 3 MS. TATER: I don't think we marked them.  
 4 Let's mark them. Twenty-one?  
 5 ...  
 6 And, thereupon, Deposition Exhibit No. 21  
 7 was marked for purposes of identification.  
 8 ...  
 9 BY MS. CALEY:  
 10 Q. The Exhibit 21 notes, you indicated that those are  
 11 reviewed by someone in your department?  
 12 A. Correct.  
 13 Q. And that you also testified, I think, earlier that  
 14 the day a report is received electronically is not  
 15 necessarily the first day it starts to be worked?  
 16 A. Correct.  
 17 Q. Okay. So what we know from the very first  
 18 report -- according to these Exhibit 21 notes -- is the very  
 19 first report is noted as having been received when?  
 20 A. 9/6.  
 21 Q. And when is that note looked at? And that's a  
 22 note from 9/18 that's identifying that was the receipt date;  
 23 is that correct?  
 24 A. The response date.

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1 Q. I'm sorry. The response date is 9/18. Okay.  
 2 Now, is there anything before 9/18 that indicates that any  
 3 information has been received from Mr. Kim, any  
 4 documentation regarding his claim of identity theft?  
 5 A. That Mr. Kim sent us anything?  
 6 Q. Yes, that BMW received any documents.  
 7 A. No.  
 8 Q. So on 9/18 there's nothing in the notes reflected  
 9 any documents from Mr. Kim in support of his fraud or ID  
 10 theft is available to BMW at that point?  
 11 A. Correct.  
 12 Q. And in that time of September 2013, was there a  
 13 means available to a customer to be able to send documents  
 14 with their EOscar dispute?  
 15 A. Yes.  
 16 Q. And from the notes, can you tell whether or not  
 17 any such documents were actually sent with the dispute?  
 18 A. Yes.  
 19 Q. And what does the note say?  
 20 A. No images.  
 21 Q. So the person who is looking at this on 9/18 has  
 22 no documents in the EOscar dispute to look at?  
 23 A. Correct.  
 24 Q. Are those hyperlinked to the dispute somehow? I

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1 mean, do you know how they're accessed?  
 2 A. Yes.  
 3 Q. How are they accessed?  
 4 A. There's a link on the dispute.  
 5 Q. So they can press it and look and see here's what  
 6 the customer sent?  
 7 A. Yes.  
 8 Q. But also on 9/18, there's nothing there to show  
 9 that any documents had been received in the mail from  
 10 Mr. Kim?  
 11 A. Correct.  
 12 Q. So the person who is considering and responding to  
 13 this request, what information other than the account notes  
 14 does the credit -- I'm sorry. What is the title of the  
 15 person looking at it?  
 16 A. Credit Reporting Specialist.  
 17 Q. The Credit Reporting Specialist. Other than BMW's  
 18 own records and the -- is it 103 Code, you said?  
 19 A. Uh-huh.  
 20 Q. Other than the 103 Code saying identity theft,  
 21 what do they have at this time on 9/18 to consider other  
 22 than his word that it's a dispute to support consideration  
 23 that it's an ID theft?  
 24 A. Nothing.

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1 Q. Okay. Let me ask you to look at all of the  
 2 disputes received in 2013.  
 3 A. Uh-huh.  
 4 Q. I'm going to ask you to look at it for yourself  
 5 and see if each and every one -- again, from Exhibit 21 --  
 6 that was received from every credit reporting agency, if you  
 7 could tell if there was any affirmative notice one way or  
 8 the other whether any documents were received in support of  
 9 each identity theft dispute --  
 10 MS. TATER: From the EOscar system?  
 11 BY MS. CALEY:  
 12 Q. -- from the EOscar system.  
 13 A. No images on any of the disputes.  
 14 Q. And the one in 2014, were there any documents?  
 15 A. No.  
 16 Q. Now, the notes do show that on 9/23, certain  
 17 documents were received from Mr. Kim, I presume, in the  
 18 mail?  
 19 A. Correct.  
 20 Q. And so what is your department's procedure when an  
 21 identity theft report is made and then documents are  
 22 thereafter sent by the customer for consideration?  
 23 A. We continue to respond with a Response Code of 1  
 24 until we are advised to do otherwise.

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1 Q. And so you don't know whether it is or it could be  
2 affected one way or the other?  
3 A. Correct.  
4 Q. Okay. And this information that's populated down  
5 here, this is affirmatively input by BMW Financial Services?  
6 Or is it populated some other way?  
7 A. This could be information that was the last  
8 information that was provided. So it could be pre-populated  
9 by EOscar or it could be information that we put in.  
10 Q. So it could be either?  
11 A. Yes.  
12 Q. So earlier there was questions about -- on the top  
13 third -- social security number, date of birth, telephone  
14 number. These areas were blank on the right-hand side, do  
15 you see that?  
16 A. Uh-huh.  
17 Q. And if I'm understanding your testimony correct --  
18 I just want to clarify -- is it your understanding that  
19 those don't get populated unless there's a difference from  
20 the preexisting record?  
21 A. Correct.  
22 Q. So when you look right above, there's two  
23 different addresses. That would be consistent with that  
24 practice?

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1 A. Yes.  
2 Q. And have you ever seen name variances on accounts  
3 before where there's no dispute as to the identity theft of  
4 a customer?  
5 A. I'm sorry, what was that?  
6 Q. Have you ever seen name variances on an account  
7 being forwarded to you where there was no dispute of  
8 identity theft?  
9 A. Yes.  
10 Q. Is that uncommon?  
11 A. I would say it is common.  
12 Q. Is it fair to say that the department that is  
13 charged with the responsibility of making an identity theft  
14 determination is the SAR expert?  
15 A. Yes.  
16 MS. CALEY: Okay. I think I'm almost  
17 done. I'm doing what you're doing, so if you want  
18 to --  
19 ---  
20 RECROSS-EXAMINATION  
21 BY MS. TATER:  
22 Q. The department that you worked in, the Credit  
23 Reporting Specialists, they waited for the fraud department  
24 to make a determination on identity theft before they would

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1 let the credit reporting agencies know that this was,  
2 indeed, an identity theft and instruct them to delete it  
3 them?  
4 A. Correct.  
5 Q. So did they do an independent investigation on  
6 their own?  
7 A. No.  
8 Q. Okay. The individuals that were responsible for  
9 the credit reporting disputes, investigations, were they  
10 trained in identity theft?  
11 A. No.  
12 Q. How to spot it?  
13 A. No.  
14 Q. What to look for?  
15 A. No.  
16 Q. I want to take a look at Exhibit 20.  
17 A. Okay.  
18 Q. First of all, just so that I'm clear -- because  
19 I'm not sure that I am anymore -- the information that  
20 starts with that account status and goes down through the  
21 compliance code section, that information actually comes  
22 from BMW whether or not it was populated through EOscar.  
23 But it's not made up by the credit reporting agencies,  
24 right?

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1 A. Correct.  
2 Q. So at some point, this information came into its  
3 existence on this ACDV through BMW's system?  
4 A. Correct.  
5 Q. What is Response Code 1, "account information  
6 accurate as of date reported." What does that mean?  
7 A. So we're verifying that the information on the  
8 account is accurate as of the report date.  
9 Q. You're verifying it despite the address  
10 differences?  
11 MS. CALEY: Objection. Argumentative and  
12 presumes facts not in evidence or not established.  
13 BY MS. TATER:  
14 Q. You can answer it.  
15 A. Yes.  
16 Q. Okay. And the name differences?  
17 A. Correct.  
18 Q. Okay. What's accurate then? What are you saying?  
19 What information is accurate as of the date it was reported?  
20 A. As of the date reported, that this is the  
21 information that we have on our account.  
22 Q. So you're saying the information in the response  
23 data section is accurate or the information in the request  
24 data is accurate?

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